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PATENT ~~AF~~
144002-2001 1647



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Douglas T. DIETERICH
Serial No. : 09/862,404
Filed : May 21, 2001
Examiner : **METHOD OF TREATING ANEMIA CAUSED BY RIBAVIRIN
TREATMENT OF HEPATITIS C USING ERYTHROPOIETIN
ALPHA**
Examiner : Regina M. DeBerry
Group Art Unit : 1647
Confirmation No. : 8918

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745 Fifth Avenue
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EXPEDITED PROCEDURE
RESPONSE FILED UNDER 37 C.F.R. §1.116

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Date of Deposit: April 7, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Charles Jackson

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NOTICE OF APPEAL AND PETITION FOR EXTENSION OF TIME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated October 7, 2003, rejecting claims 1-5 and 7-12 and

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01 FC:2401
02 FC:2253

165.00 OP
475.00 OP

objecting to claim 6. A check in the amount of \$165.00 is enclosed in payment of the appeal fee required by 35 U.S.C. § 41(a)(6) and 37 C.F.R. § 1.17(b).

Pursuant to 37 C.F.R. §1.136(a), a three-month extension of the period for reply, i.e., to up to and including April 7, 2004, is requested. A check for \$475.00 is enclosed in payment of the fee under 37 C.F.R. §1.17(a)(3).

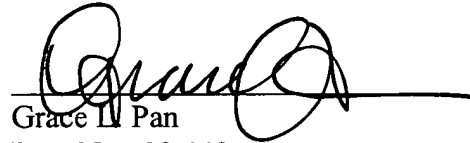
The Commissioner is hereby authorized to charge any additional payment occasioned by this paper, or credit any overpayment, to Deposit Account No. 50-0320.

This Notice is being filed in triplicate.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
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By:


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